

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KATHLEEN E. PERKINS, :
Executrix of the Estate of Ruth M. Day, : Case No. 3:07-cv-325
Plaintiff, :
vs. : JUDGE WALTER HERBERT RICE
JOHN PAUL RIESER, ESQ., *et al.*, :
Defendants :

:

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #59);
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #63);
SUSTAINING DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED COMPLAINT (DOC. #52); DISMISSING
PLAINTIFF'S RICO CLAIMS WITH PREJUDICE; DECLINING TO
EXERCISE SUPPLEMENTAL JURISDICTION OVER STATE LAW
CLAIMS AND DISMISSING THOSE CLAIMS WITHOUT PREJUDICE;
TERMINATION ENTRY

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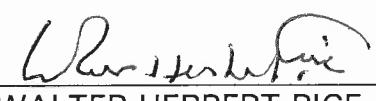
Based on the reasoning and citations of authority set forth in the Report and
Recommendations of the United States Magistrate Judge, filed June 26, 2012,
(Doc. #59), as well as upon a thorough *de novo* review of this Court's file and the
applicable law, said judicial filing is adopted in its entirety. Plaintiff's Objections
(Doc. #63) to said judicial filing are overruled.

The Court sustains Defendants' Motion to Dismiss Plaintiff's Second
Amended Complaint Pursuant to Rule 12(b)(6) (Doc. #52). Plaintiff's RICO claims,
as set forth in Counts I and II, are dismissed with prejudice. The Court declines to

exercise supplemental jurisdiction over Plaintiff's state law claims as set forth in Counts III, IV, and V, and dismisses those claims without prejudice.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 25, 2012



WALTER HERBERT RICE
UNITED STATES DISTRICT COURT